STATE OF CALIFORNIA PETE WILSON, *Governor*

DELTA PROTECTION COMMISSION
14215 RIVER ROAD
P.O. BOX 530
WALNUT GROVE, CA 95690
PHONE: (916) 776-2290
FAX: (916) 776-2293

November 19, 1998

To: Delta Protection Commission

From: Margit Aramburu, Executive Director

Subject: Excerpts from Final Environmental Document for Long Term Management Strategy (LTMS) Regarding Reuse of Dredged Material on Delta Levees.

The environmental document indicates that the maximum about of material available for Delta levee reuse is:

one million cubic yards (mcy) during the one to five year period,

five mcy during the five to 15 year period, and

20 mcy during the 15 to 50 year period.

The final document indicates that the geographic location of dredged material for reuse in the Delta would be limited to the eastern areas of the Bay-Suisun Marsh study area to eliminate possible problems associated with salinity.

LONG-TERM MANAGEMENT STRATEGY (LTMS) FOR THE PLACEMENT OF DREDGED MATERIAL IN THE SAN FRANCISCO BAY REGION

FINAL
Policy Environmental Impact Statement/
Programmatic Environmental Impact Report

Volume I

Also includes Appendices A, H, J, K, and M

Prepared for

LTMS Management Committee

Prepared by

The LTMS Agencies

U.S. Army Corps of Engineers (COE)
U.S. Environmental Protection Agency (EPA)
San Francisco Bay Conservation and Development Commission (BCDC)
San Francisco Bay Regional Water Quality Control Board (SFBRWQCB)
State Water Resources Control Board (SWRCB)

with Document Production Assistance by

Science Applications International Corporation
Environmental Programs Division

October 1998

be successfully placed and maintained. The evaluation process for a CAD project includes selection of an appropriate site, characterization of both contaminated and capping sediments, selection of compatible equipment and placement techniques, prediction of material dispersion during placement, determination of the required cap thickness, evaluation of cap stability against erosion or bioturbation, and development of a monitoring program. In the San Francisco Bay Area, CAD projects may be considered in association with habitat enhancement or restoration, or other beneficial reuses.

The LTMS agencies are adopting the following policy to ensure that the appropriate issues are adequately addressed in any consideration of CAD in the future:

- *The LTMS agencies will address, as appropriate, the issues identified in Table 5.1-5 during site-specific assessments of proposed CAD sites for NUAD-class dredged material.*

5.1.3.4 Levee Reuse

The potential environmental impacts evaluated in this EIS/EIR that are associated with use of dredged material on levees generally include only those impacts that are unique to the use of dredged material for this purpose. Impacts that could occur as a result of levee maintenance or stabilization, independent of the source of fill used (such as temporary loss of vegetation on the levees), would have to be addressed in project-specific evaluations and are not directly covered here. The material suitability/sediment quality policies (section 5.1.1.2) will ensure that pollutant levels do not pose environmental impacts. The other potential environmental concern is that the salinity of dredged materials may be higher than that normally found in waters or habitats adjacent to levees. As overall guidance, the reuse of dredged material for levee maintenance and rehabilitation must carefully consider, but not be limited, to the evaluation of the following issues: (1) site selection; (2) construction; (3) facility administration and maintenance; and (4) regulatory, mitigation, and monitoring requirements. Specific engineering guidance addressing the reuse of dredged material for levee maintenance and rehabilitation can be obtained from the LTMS Reuse/Upland Site Ranking, Analysis, and Documentation report (LTMS 1995d) and other LTMS upland/reuse technical studies reports. To ensure that these issues are appropriately addressed in project-specific evaluations of the use of dredged material on levees, the LTMS agencies will adopt the following general policy:

- *The LTMS agencies will address, as appropriate, all of the issues identified in Table 5.1-6 in site-specific assessments of proposed levee maintenance, stabilization, or construction projects using dredged material.*

- *To address water quality concerns associated with the reuse of dredged material for levee repair and stabilization in the Delta region, only material determined to be suitable in regard to pollutant and salinity concentrations, as well as material which has been processed to reduce pollutants and salinity to suitable concentrations, will be used for this purpose. This may involve such control measures as directing only material dredged from the eastern portion of San Francisco Bay, where sediment salinity concentrations are lowest, for reuse purposes in the Delta region.*

5.2 CLEAN AIR ACT CONFORMITY ANALYSIS

5.2.1 Introduction

As required by the CAA, states establish State Implementation Plans (SIPs) to ensure that areas in attainment of the National Ambient Air Quality Standards (NAAQS) remain in compliance with these standards and that they have a viable plan for nonattainment areas to reach attainment. Section 176(c) of the CAA requires that federal actions conform with the most recent federally approved SIP. Conformity to an implementation plan means that:

1. A project will conform to an implementation plan's purpose of eliminating or reducing the severity and number of violations of the NAAQS and achieving expeditious attainment of such standards, and

2. A project will not (a) cause or contribute to any new violations of any standard in any area, (b) increase the frequency or severity of any existing standard violation in any area, or (c) delay timely attainment of any standard or any required interim emission reductions or other milestones in any area. The determination of conformity shall be based on the most recent estimates of emissions, as determined by the metropolitan planning organization or other agency authorized to make such estimates.

Table 5.1-6. Overall Guidance for Levee Reuse

Type of Issue	*Issues to be Addressed During Project-Specific Review*
Beneficial Reuse of Dredged Material for Levee Repair and Stabilization — Use dredged material for levee repair and rehabilitation to the maximum extent possible, taking full consideration of engineering and environmental constraints.	
Site Selection	Evaluation of the suitability of the proposed dredging technique in terms of site limitations (e.g., ability to construct containment facilities for hydraulically dredged material, material stockpile capabilities, etc.)
	Evaluation of the ability to transport material to a site (e.g., deep-water access [-15 to -17 feet MLLW], suitable roadways for land transport of material, etc.)
	Evaluation of proposed site conditions, including: • Condition of existing levees • Existing habitat and special status species • Geological engineering evaluations of the ability of levees to handle the weight of the new dredged material for repair/stabilization • Extent of levee repair and stabilization material needed • Characteristics of the dredged material to be used (e.g., grain size, concentrations of chemical constituents) • Cumulative impacts associated with reuse of dredged material for levee repair and stabilization
	Suitability of the location in terms of avoiding impacts to agricultural, industrial, and municipal water supply intakes
Construction	Evaluation of the suitability of proposed material off-loading and on-site placement
	Compliance with identified geo-engineering constraints at the placement site
	Evaluation of the ability to avoid potential adverse environmental impacts (e.g., surface and groundwater, plant communities, sensitive wildlife species, and riparian or other wetland habitat areas)
	Evaluation of proposed site monitoring activities during the construction phase
	Evaluation of the suitability of a levee repair/stabilization site to reduce pollutant concentrations (salinity, metals, etc.) in the dredged material
	Preferential use of sandier dredged material for Delta levee repair and rehabilitation work
	Compliance with applicable design standards for levee repair/stabilization, as specified by state and federal regulations and policies
	Assessment and development of appropriate engineering guidelines for seismic events
Coordinated Approach for Dredged Material Reuse — LTMS agencies will aid, to the extent possible in the development of an organization and a mean of communication between dredgers, the California Department of Water Resources, the COE, and local flood control reclamation districts to identify levee repair/rehabilitation sites that can best use dredged material.	
Facility Administration & Maintenance	Evaluation of the proposed management of all construction operations and post-construction maintenance
	Evaluation of the proposed inspection and supervision of contractors working on site
Regulatory, Mitigation, & Monitoring Requirements	Determination of the need for federal permits or reviews
	Determination of the need for state permits or reviews
	Determination of the need for local approvals
	Evaluation of proposed mitigation and monitoring plans to ensure compliance with all applicable federal and state regulations and policies
	Consultation per Section 7 of the Endangered Species Act

In accordance with Section 176(c) of the CAA, the EPA promulgated the final conformity rule for general federal actions on November 30, 1993, which is codified as 40 CFR 51 Subpart W, and 40 CFR 93 Subpart B. The 40 CFR 93 Subpart B applies to federal agencies until states revise their SIPs to adopt a conformity rule at least as stringent as EPA's rule (40 CFR 51 Subpart W).

For the programmatic level of analysis considered in this document, air quality emissions are not yet reasonably foreseeable and therefore no conformity determination will be made at this time. However, on a project-specific basis, projects implemented under any of the alternatives considered as part of the LTMS program may (depending on dredge material quantity, dredging locations, disposal locations, and transport routes) result in air emissions sufficient to trigger the need for a conformity determination. The conformity process is discussed in the following sections, but final conformity determinations would have to be made on a case-by-case basis as individual projects are defined. Maintenance dredging and debris disposal projects where "no new depths are required, applicable permits are secured, and disposal will be at an approved disposal site" are exempt from the conformity rule requirements [Subpart 93.153(c)(2)(ix)].

5.2.2 Regulatory Background

According to 40 CFR 93 Subpart B, determining conformity is essentially a two-step process: (1) applicability analysis and (2) conformity analysis. The applicability analysis is performed according to Subpart